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11 Attorneys for Defendant
12 CITY AND COUNTY OF SAN FRANCISCO
13 [Erroneously sued as San Francisco Police Department]

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16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA

18 ENTERPRISE RENT-A-CAR
19 COMPANY OF SAN FRANCISCO, a
20 Nevada Corporation,

21 Plaintiff,

22 vs.

23 SAN FRANCISCO POLICE
24 DEPARTMENT, and Does 1 through 10,
25 inclusive,

26 Defendants.

27 Case No. 3:06-cv-04638-MMC

28 **STIPULATION TO DISMISSAL OF
FEDERAL CLAIMS AND REMAND
TO STATE COURT OF REMAINING
CLAIMS; ORDER**

29
30 **RECITAL**

31 Plaintiff Enterprise Rent-A-Car Company of San Francisco filed an action in the Superior
32 Court of the State of California for the County of San Francisco on or about March 13, 2006,
33 alleging four claims against defendant City and County of San Francisco, sued as the San Francisco
34 Police Department. Of these claims, the Fourth Cause of Action alleged a civil rights violation
35 arising under 42 U.S.C. § 1983 against defendant. Defendant was served on June 28, 2006. On July
36 28, 2006, defendant removed the action to this Court pursuant to 28 U.S.C. §§ 1441(b) and 1443
37 because of the federal cause of action alleged by plaintiff.

The parties have now agreed that plaintiff will dismiss its fourth cause of action arising under 42 U.S.C. § 1983 with prejudice, and that this matter should be remanded to state court for adjudication of plaintiff's remaining causes of action. The parties therefore request that this Court enter an Order dismissing plaintiff's fourth cause of action with prejudice, and remanding the matter to state court pursuant to 28 U.S.C. § 1447(c).

STIPULATION

For the foregoing reasons, the parties, through their undersigned counsel, stipulate and agree to entry of an order (1) dismissing plaintiff's fourth cause of action with prejudice; and (2) remanding this matter to the Superior Court of the State of California for the County of San Francisco.

Dated: October 17, 2006

DENNIS J. HERRERA
City Attorney
JOANNE HOEPER
Chief Trial Deputy
CHRISTINE VAN AKEN
Deputy City Attorney

By: _____ /s/
CHRISTINE VAN AKEN
Attorneys for Defendant
CITY AND COUNTY OF SAN FRANCISCO

Dated: October 22, 2006

CHRISTOPHER R. MILTON, ESQ.
LAW OFFICES OF CHRISTOPHER R. MILTON

By: _____ /s/
CHRISTOPHER R. MILTON*
Attorney for Plaintiff ENTERPRISE RENT-A-CAR
COMPANY OF SAN FRANCISCO

*The filer of this document attests that concurrence in the filing of this document has been obtained.

ORDER

GOOD CAUSE appearing, it is HEREBY ORDERED that plaintiff's fourth cause of action is dismissed with prejudice, and that this matter is remanded to the Superior Court of the State of California for the County of San Francisco.

IT IS SO ORDERED.

Dated: October 24, 2006

Maxine M. Chesney
THE HONORABLE MAXINE MACHESNEY
UNITED STATES DISTRICT JUDGE